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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.: 23643

Group: 1614

Confirmation No.: 8706

Application No.: 10/620,221

Invention: NEUROTHERAPEUTIC
CLAVULANATE COMPOSITION
AND METHOD

**Filed Electronically:
December 15, 2008**

Applicant: Gary A. Koppel

Filed: July 15, 2003

Attorney

Docket: 22064-71990

Examiner: Royds, Leslie A.

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement (IDS) is filed in the application identified above pursuant to 37 C. F.R. § 1.56. No representation is intended that a complete search has been made of the prior art or that no better art references than listed below are available. Pursuant to 37 C.F.R. §1.98(a)(2)(i) and (ii), no copies of the cited U.S. patents and patent publications are provided herewith; however, a copy of each cited foreign and/or other reference is provided herewith for review by the Examiner. The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

In the Office Action mailed May 21, 2008, the Examiner acknowledges receipt and entry into the present application of the IDSs filed July 15, 2003 and July 21, 2005. However, the Examiner states that the non-patent literature references corresponding with citation numbers KR-KY, LR-LZ, MR-MS, NQ-NU and PR-PT on the IDS filed July 15, 2003 have not been considered, because, according to the Examiner, after a reasonable search, said documents could not be located.

All of the non-patent references mentioned by the Examiner were cited during prosecution of parent U.S. Patent Application No. 09/640,362, filed August 16, 2000, and which is relied upon in the instant application for an earlier filing date under 35 U.S.C. § 120. Therefore, in accordance with 37 C.F.R. § 1.98(d), Applicant was not required to submit copies of these references. The Examiner acknowledges that Applicant had properly referred in the IDS filed July 15, 2003 to previously submitted copies of these documents in prior U.S. Patent Application No. 09/640,362.

However, in an effort to advance the instant application toward examination and issuance, Applicant hereby submits the instant IDS in which are listed all of the references that the Examiner could not find, along with copies of all of these references (37 C.F.R. § 1.98).

Pursuant to the above, the Applicant believes that no fees are due with the filing of this IDS. However, if fees are due, the Commissioner is hereby authorized to charge any amounts that may be due with this IDS to our Deposit Account No. 10-0435 with reference to our matter 22064-71990. The Commissioner is also hereby authorized to charge any additional amounts that may be due with this response, or credit any overpayments, to our Deposit Account No. 10-0435 with reference to our matter 22064-71990.

Respectfully submitted,
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